IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Tr.P(C).No. 225 of 2004

OS.880/2003 PRL.MUNSIFF COURT, NEYYATTINKARA
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PETITIONER

XAVIER THOMAS, PALAPPARAMBIL,
HOSPITAL JUNCTION, NEYYATTINKARA.

BY ADV. SRI.M.BALAGOVINDAN
SRI.SASITH.M.R

RESPONDENTS:

RAICHAL, D/O.SARAMMA,
SREE SADANAM, MUSEUM BAINS COMPOUND,
KAWDIAR P.O., THIRUVANANTHAPURAM.

BY

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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Tr.P.(C) No.225 OF 2004

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Dated this the 10th day of September 2007

JUDGMENT

This transfer petition is filed to transfer O.S.No.880 of 2003 pending before the Prl.Munsiff's Court, Neyyattinkara to the Family Court at Thiruvananthapuram. The said suit is one for damages claimed by the wife. Section 7 of the Family Courts Act deals with the jurisdictional aspect. The Family Court is competent to try cases which come under Section 7(1)(a) to (g) of the said Act. The suit which is filed and sought to be transferred does not come under any of those categories. Therefore there is no jurisdiction for the Family Court to try that case. When it is so, it is not proper for this court under Section 24 of the Code of Civil Procedure to transfer the case to a court which does not have jurisdiction to try the case. Therefore on that ground, the Tr.P.C. is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-